Group IV	Claims 30-38, 41-43, 51-55, 57, 60 and 61, drawn to methods for producing an avian which expresses a heterlogous immunoglobulin polypeptide, wherein the avian is produced by nuclear transfer, and transgenic avian;
Group V	Claims 44-45, 48, 51-55, 60 and 61, drawn to *in vivo* methods for producing transgenic avaian that express a heterlogous immunolobulin polypeptide, comprising administering to an avian testis a gene delivery mixture comprising a viral vector having at least one heterologous polypeptide encoding at least one heterologous immunoglobulin polypeptide, incorporating the heterologous polynucleotide into the genome of a spermatozoan cell to produce a genetically modified male gamate, mating the male avian with a female of the species to produce transgenic progeny, and transgenic avian;
Group VI	Claims 46, 47, 49-55 and 59-61, drawn to an *in vitro* method for producing a transgenic avian comprising genetically modifying spermatozoan cells *in vitro* with a transgene, transferring the transfected spermatozoan cells into the testis of a recipient male, breeding the recipient male with a female to produce transgenic progeny, and transgenic avian.

In order to be fully responsive, Applicant hereby provisionally elects the invention of Group I, claims 1-7 and 9-29, drawn to methods for the production of an antibody by an avian cell, classified in class 435, subclass 69.1, 310.1 and 325+ and class 536, subclass 23.53, with traversal.

With respect to the Examiner's division of the invention into six groups and the reasons stated therefor, Applicant respectfully traverses.

Even assuming arguendo that Groups I-IV represented distinct or independent inventions, Applicant submits that to search the subject matter of all the Groups together would not be a serious burden on the Examiner.

The M.P.E.P. § 803 (Eighth Edition, August 2001) states:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Thus, in view of M.P.E.P. §803, all of claims 1-61 should be searched and examined in the subject application.

Accordingly, Applicant respectfully requests that the Restriction Requirement under 35 U.S.C. §121 be withdrawn and the instant claims be examined in one application.

Applicant fully reserves all right to prosecute the subject matter of any non-elected claims in one or more subsequent related applications. Applicant also retains the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

CONCLUSION

Applicant respectfully requests that the foregoing remarks be entered and made of record in the file history of the application.

Respectfully submitted,

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